

REMARKS

Claims 58-60 and 68-91 are pending in this application. Claims 59, 60, 69-72, 74-76, 82, 83, and 85-87 were withdrawn from consideration by the Examiner as being drawn to nonelected species in the absence of an allowed generic or linking claim. However, these withdrawn claims are believed to now be in condition for allowance, as they depend from generic claims now in condition for allowance. Claims 73 and 84 were identified as being allowable if rewritten in independent form.

Applicant's attorney, Kenneth Smith, left a telephone message with Examiner John Fox regarding U.S. Patent No. 4,249,459. In the message, Applicant's attorney questioned whether abutment member 446 in Massing is adjustable. Examiner John Fox responded and indicated that the abutment member 446 in Massing did not appear to be adjustable and suggested that Applicant explain why the abutment member 446 is not adjustable in Applicant's response to the Office Action.

I. Rejections Under §103:

The Office Action rejected claims 58, 68, 77-81, and 88-91 under 35 U.S.C. 103(a) as being unpatentable over Wall (U.S. Pat. No. 4,870,889) in view of Fukano et al. (U.S. Pat. No. 6,585,226 / 6,029,903) and further in view of Massing (U.S. Pat. No. 4,249,458).

Applicants respectfully submit that independent claim 58 is not obvious in view of the Wall, Fukano, and Massing references, as features of the pending claims are not shown or suggested in any of the references or by the combination of the references. For example, claim 58 recites an adjustable mechanism defining at least a portion of an actuator inlet port, the adjustable mechanism selectively engaging at least a portion of a piston within an actuator housing to selectively adjust axial movement of the piston. While the Office Action identifies the abutment member 446 in Massing as an adjustable abutment member in an inlet port, Massing does not indicate or suggest that the abutment member may be adjusted to selectively

adjust axial movement of the piston 448. Massing merely indicates that instead of having the abutment 346 secured to the sleeve 340, as shown in Figure 3, the abutment may be secured to the carrier 420, as shown in Figure 4 (see col. 5, lines 41-52). Further, the inclusion of a seal 445 between abutment member 446 and carrier 420 further indicates that the abutment member 446 is not intended to be adjustable, as movement of the abutment member 446 away from the end of the carrier 420 would make the seal 445 ineffective. Neither Wall nor Fukano disclose an adjustable mechanism that defines a portion of an inlet port. As such, this feature is not disclosed in any of the cited references, nor does the combination of references suggest this feature.

As such, claim 58 is patentable over the cited references and is in condition for allowance. Currently pending claims 68 and 77-80, and withdrawn claims 59, 60, 69-72, and 74-76 all depend from claim 58, a generic claim, and are therefore also patentable over the cited references and in condition for allowance.

Applicants also submit that independent claim 81 is not obvious in view of the Wall, Fukano, and Massing references, as features of the claim are not shown or suggested in any of the references or by the combination of the references. For example, claim 81 recites an adjustable mechanism comprising a set screw assembled to an actuator inlet port, the adjustable mechanism selectively engaging at least a portion of a piston within an actuator housing to selectively adjust axial movement of the piston. As indicated above, Massing does not indicate or suggest that the abutment member 446 may be adjusted to selectively adjust axial movement of the piston 448. Neither Wall nor Fukano disclose an adjustable mechanism assembled to an actuator inlet port. None of the three references disclose an adjustable mechanism comprising a set screw. This feature is therefore not disclosed in any of the cited references or in any combination of the cited references.

As such, claim 81 is patentable over the cited references and is in condition for allowance. Currently pending claims 88-91, and withdrawn claims 82, 83, and 85-87 all depend from claim 81, a generic claim, and are therefore also patentable over the cited references and in condition for allowance.

Applicants believe that all currently pending claims and withdrawn claims depending from currently pending claims are now in condition for allowance. Any questions regarding this application can be addressed to the undersigned.

Respectfully submitted,

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